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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/757,424	01/11/2001	David Bain	59BAI002.C11	1307	
21919 75	7590 01/11/2005		EXAMINER		
MEREK, BLACKMON & VOORHEES, LLC			MEINECKE DIA	MEINECKE DIAZ, SUSANNA M	
673 S. WASHINGTON ST. ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER	
	,		3623		
			DATE MAILED: 01/11/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
	Office Action Commons	09/757,424	BAIN, DAVID			
J	Office Action Summary	Examiner	Art Unit			
		Susanna M. Diaz	3623			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)🖂	Responsive to communication(s) filed on <u>02 No</u>	ovember 2004.				
2a) <u></u> □	This action is FINAL . 2b) This action is non-final.					
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
5) 6) 7)	Claim(s) <u>2-16</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) <u>2-16</u> are subject to restriction and/or expressions.	vn from consideration.				
Applicati	on Papers					
10)⊠	The specification is objected to by the Examiner The drawing(s) filed on 11 January 2001 is/are: Applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction The oath or declaration is objected to by the Example 1.	a) accepted or b) objected drawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). lected to. See 37 CFR 1.121(d).			
Priority u	nder 35 U.S.C. § 119					
a)[Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau see the attached detailed Office action for a list of	s have been received. s have been received in Application ity documents have been receive (PCT Rule 17.2(a)).	on No ed in this National Stage			
Attachment	c(s)					
2) D Notice 3) D Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa				

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DETAILED ACTION

- 1. This Restriction is responsive to Applicant's amendment filed November 2, 2004. Applicant has cancelled claim 1 and added new claims 2-16. Due to the extensive rejections of claim 1 under 35 U.S.C. § 101 and 112, it was previously difficult to assess the true nature of Applicant's invention. With the addition of new claims 2-16, Applicant has clarified much of what he intends to claim; however, two different inventions are now presented in the claims, thereby requiring election of one of the inventions. The Restriction is presented in greater detail below.
- 2. As a preliminary matter, all previously pending rejections are obviated by Applicant's cancellation of claim 1. Furthermore, the specification now properly claims priority to the provisional application.

The Examiner apologizes for not identifying whether or not the drawings are acceptable. The Examiner notes that the specification only mentions Figure 1 in the Brief Description of the Drawings, which corresponds to the fact that only one figure has been submitted. However, the Detailed Description of the specification refers to Figures 1-5. Where are Figures 2-5? If previously submitted, please resubmit them as the Examiner cannot locate them in the file.

Please note that claim 10 does not specify from which claim it depends. For purposes of Restriction, it will be assumed that claim 10 ultimately depends from claim 2. Please correct the dependency of claim 10 in response to this Office action.

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Election/Restriction

3. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I: Directed toward providing users with credits in exchange for on-line purchases, wherein the credits are issued in the form of commissions from which a portion is paid to a designated commission receiving site. (Claims 2-10)

Species II: Directed toward providing users with credits in exchange for on-line purchases, wherein the credits are issued in the form of votes used to vote on an issue. (Claims 11-16)

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SUSANNA DIAZ BUSANNA M. DIAZ PRIMARY EXAMINER AU 3623

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